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12 Attorney for Plaintiff

13 UNITED STATES DISTRICT COURT

14 DISTRICT OF NEVADA

15 \* \* \*

16 UNITED STATES OF AMERICA, ) 2:16-cr-106-JCM-PAL  
17 Plaintiff, )  
18 v. )  
19 MARK KENDALL, )  
20 Defendant. )  
21 \_\_\_\_\_)

22 **STIPULATION FOR EXTENSION OF TIME**

23 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden,  
24 United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for  
25 the United States of America, and Heidi A. Ojeda, Assistant Federal Public Defender, counsel  
26 for Defendant MARK KENDALL, that the date for the Government to file a response to the  
27 Defendant's Motion to Suppress (Docket #20) be extended for two (2) weeks.

28 This stipulation is entered for the following reasons:

29 1. The Defendant's Motion was filed and served on July 11, 2016. Pursuant to the  
30 Court's Order, the Government's response deadline was August 31, 2016.

1       2. On August 31, 2016, counsel for the Defendant advised counsel for the  
2 Government that the Defendant would accept the plea offer extended by the Government. This  
3 will obviate the need for the Court to consider the Defendant's Motion.

4       3. The Defendant is incarcerated, but he does not object to the continuance of the  
5 Government's response deadline.

6       4. The trial in this matter is presently set for November 14, 2016. Consequently, the  
7 requested extension of the Government's response deadline is not likely to affect the present trial  
8 setting.

9       5. The additional time requested herein is not sought for purposes of delay, but  
10 merely to allow the parties to reduce the proposed plea offer to a written agreement.

11       6. Additionally, denial of this request for continuance could result in a miscarriage  
12 of justice and would result in an unnecessary expense of the Court's resources.

13       7. This is the third stipulation filed herein to continue the Government's response  
14 deadline.

15                   DATED: September 1, 2016.

16                   \_\_\_\_\_  
17                   /s/  
PHILLIP N. SMITH, JR.  
18                   Assistant United States Attorney  
Counsel for the United States

19                   \_\_\_\_\_  
20                   /s/  
HEIDI A. OJEDA  
21                   Assistant Federal Public Defender  
Counsel for Defendant MARK KENDALL

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The Defendant's Motion was filed and served on July 11, 2016. Pursuant to the Court's Order, the Government's response deadline was August 31, 2016.

2. On August 31, 2016, counsel for the Defendant advised counsel for the Government that the Defendant would accept the plea offer extended by the Government. This will obviate the need for the Court to consider the Defendant's Motion.

3. The Defendant is incarcerated, but he does not object to the continuance of the Government's response deadline.

4. The trial in this matter is presently set for November 14, 2016. Consequently, the requested extension of the Government's response deadline is not likely to affect the present trial setting.

5. The additional time requested herein is not sought for purposes of delay, but merely to allow the parties to reduce the proposed plea offer to a written agreement.

6. Additionally, denial of this request for continuance could result in a miscarriage of justice and would result in an unnecessary expense of the Court's resources.

7. This is the third stipulation filed herein to continue the Government's response deadline.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the motion response deadline.

## **CONCLUSIONS OF LAW**

The additional time requested herein is not sought for purposes of delay, but merely to allow the parties an opportunity to resolve this matter via a plea agreement. The failure to grant said continuance would likely result in a miscarriage of justice and an unnecessary expense of the Court's resources.

## ORDER

IT IS THEREFORE ORDERED, that the previously-scheduled response deadline for the Government to respond to the Defendant's Motion to Suppress is extended until September 14, 2016.

Dated: September 6, 2016

Terry A. Steen  
UNITED STATES MAGISTRATE JUDGE